



Health Care Agency Mental Health and Recovery Services Policies and Procedures	Section Name:	Care and Treatment
	Sub Section:	Access
	Section Number:	01.03.02
	Policy Status:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised
	SIGNATURE	DATE APPROVED
Director of Operations Mental Health and Recovery Services	<u>Signature on File</u>	<u>2/14/2023</u>

SUBJECT: Access to Substance Use Disorder Services for Persons with Disabilities

PURPOSE:

To ensure compliance with the Department of Health Care Services (DHCS) requirements related to access to services for the disabled in alcohol and other drug prevention, treatment, and recovery services.

POLICY:

The County of Orange Mental Health and Recovery Services (MHRS) County operated and County contracted providing substance use disorder services, including prevention, treatment, recovery services and Drug Medi-Cal Organized Delivery System (DMC-ODS), shall comply with:

- Department of Alcohol and Drug Programs (ADP) Bulletin 09-05
- The Americans with Disability Act (ADA)
- 45 Code of Federal Regulations (CFR), Part 84
- Title 24, California Code of Regulations (CCR), Part 2, Activities Receiving Federal Financial Assistance
- Unruh Civil Rights Act California Civil Code (CCC) §§ 51 through 51.3
- 42 Code of Federal Regulations (CFR) § 438.68 (c)(1)(viii)
- All applicable laws related to services and access to services for persons with disabilities (PWD)

SCOPE:

County operated and County contracted alcohol and other drug prevention, treatment, recovery services and DMC-ODS providers.

REFERENCES:

Department of Alcohol and Drug Programs (ADP) Bulletin 09-05

The Americans with Disability Act (ADA)

45 Code of Federal Regulations (CFR), Part 84

Title 24, California Code of Regulations (CCR), Part 2, Activities Receiving Federal Financial Assistance

Unruh Civil Rights Act California Civil Code (CCC) §§ 51 through 51.3

42 Code of Federal Regulations (CFR) § 438.68 (c)(1)(viii)

DEFINITIONS:

County Access Coordinator (CAC): ADP Bulletin 09-05 requires the designation of a County Access Coordinator (CAC). The role of the CAC is that of liaison between the provider community, County Alcohol and Other Drug (AOD) Administrator's office, and the California Department of Health Care Services (DHCS). The CAC is responsible for ensuring the integrity of the county's compliance with all issues related to services, including substance use disorder services.

PROCEDURE:

- I. County Access Coordinator (CAC):
 - A. The Authority and Quality Improvement Services (AQIS) Substance Use Disorder (SUD) support team manager shall function as the County Access Coordinator (CAC) as defined in County Access Coordinator Department of Alcohol and Drug Programs (ADP) Bulletin 09-05.
 - B. The CAC shall function as liaison between the provider community, County AOD Administrator's office, and the California Department of Health Care Services (DHCS). The CAC is responsible for ensuring the integrity of the county's compliance with all issues related to services, including substance use disorder services.
 - C. In addition, the CAC shall coordinate with the County ADA Coordinator, the HCA ADA Coordinator, HCA Facilities and others as needed to ensure barriers to access are addressed in a timely manner.
 - D. County operated and contracted providers shall be notified of the contact information for the CAC.

- II. The MHRS Adult and Older Adult (AOA) Director or designee shall be responsible to:
 - A. Determine the extent of the need for AOD services within the county.
 - B. Determine the percentage of the county residential AOD service providers that accept PWD and the county’s implementation plan for ensuring that a sufficient number of outpatient and residential AOD services accessible by PWDs are strategically placed within the county.
 - C. Define, develop, and implement the referral mechanism for those AOD service facilities that do not accept PWD.
 - D. Define, develop and implement the plan to provide services to PWD that are substantially equivalent to services provided to non-disabled individuals, including equivalency of travel time and distance.
 - E. Conduct assessments and keep records of these results for A-D.
 - F. The results of these assessments shall be provided to DHCS upon request.

- III. The MHRS AOA Director or designee shall be responsible to:
 - A. Ensure that County operated providers:
 - 1. Meet the license renewal requirement to have conducted an assessment to identify barriers to service, and
 - 2. Developed an Access to Services Plan for removing or mitigating any identified barriers.

- IV. The Boilerplate contract for contracted substance use disorders providers includes the following language:

“CONTRACTOR shall comply with all applicable governmental laws, regulations, and requirements as they exist now or may be hereafter amended or changed. These laws, regulations, and requirements shall include, but not be limited to, the following: . . .
42 USC §12101 et seq., Americans with Disabilities Act of 1990.”

- V. All leased County facilities include the following contract language:

“Building and Safety Requirements:
During the full term of this Lease, LESSOR, at LESSOR’s sole cost, agrees to maintain the Premises in compliance with all applicable laws, rules, regulations, building codes, statutes, and orders as they are applicable on the date of this Lease, and as they may be subsequently amended.

Included in this provision is compliance with the Americans with Disabilities Act (ADA) and all other federal, state, and local codes, statutes, and orders relating to disabled access as they are applicable on the dates of this Lease, and as they may be subsequently amended...”